

REMARKS

After entry of this response, claims 1-24 remain pending in the present application. Applicant respectfully requests reconsideration by the Examiner in light of the following remarks.

I. Rejection under 35 USC § 102

Claims 1, 6, 11, 12, 16 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Levine et al. (US 7,308,310, hereinafter "Levine"). Applicant respectfully traverses the rejection.

Applicant notes that based at least upon its filing date, Levine is an improper reference and the rejection is therefore improper. The effective filing date of the present application is January 21, 2004, which is prior to the January 26, 2005 effective filing date of Levine. Therefore, Levine does not qualify as prior art under 35 U.S.C. § 102(e), or any other statutory provision for purposes of the present application.

Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1, 6, 11, 12, 16 and 22 under 35 U.S.C. § 102(e) as being anticipated by Levine.

II. Rejections under 35 USC §103

Claims 2-5, 13-15, 23, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Levine in view of Schloss (US 6,456,882, hereinafter "Schloss"). Claims 6-10 and 16-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Levine in view of Sloman (EP 1 136 098 A2, hereinafter "Sloman"). Applicant respectfully traverses these rejections.

In the rejections, Levine is the primary reference and is applied in the same manner as applied against claims 1 and 12. As articulated in Section I above, Levine is disqualified as prior art based upon the effective filing date of this application being prior to the effective filing date of Levine. Therefore,

Applicant will not address the demerits of the substance of the rejections of the aforementioned claims.

Accordingly, for at least this reason, Applicant respectfully requests withdrawal of the rejection of claims 2-10, 13-20, 23, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Levine in view of the various other references.

III. Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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Date

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